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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/089,661

03/29/2002

Andre Turnbull

273402003400

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07/27/2004

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EXAMINER

JONES, SCOTT E

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/089,661 | <b>Applicant(s)</b><br>TURNBULL, ANDRE |  |
|                              | <b>Examiner</b><br>Scott E. Jones    | <b>Art Unit</b><br>3713                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03292002</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1-5, 8, 15, 17, 27-29, 35, and 39 are objected to under 37 C.F.R. 1.75 because:
  - Claim 1 lacks a proper preamble and each claim element should be separated a line indentation.
  - In claim 1, line 5, “a” should be inserted between “via” and “communications”.
  - Claim 2 lacks a proper preamble and each claim element should be separated a line indentation.
  - In claim 2, line 4, “a” should be inserted between “via” and “communications”.
  - In claim 3, line 2, “local” should be inserted before “jackpot” in order to make the terminology in the claims consistent.
  - In claim 4, line 2, “the” or “said” should be inserted before “local”.
  - In claim 5, line 4, “EGM” should be placed before “venue” in order to make the terminology in the claims consistent.
  - In Claim 15, line 2, “EGM” should be placed before “venues” in order to make the terminology in the claims consistent.
  - Claim 17 lacks a proper preamble and each claim element should be separated a line indentation.
  - In claim 17, line 4, “a” should be inserted between “via” and “communications”.
  - In claim 27, the preamble refers to the “system of claim 18”, however, claim 18 is directed towards “the master controller of claim 17”.
  - In claim 28, line 2, “EGM” should be placed before “venue” in order to make the terminology in the claims consistent.

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- In claim 29, line 1, “networked” should be inserted before “EGM” in order to make the terminology in the claims consistent.
- In claim 35, lines 2 and 4, “EGM” should be placed before “venues” in order to make the terminology in the claims consistent.
- In claim 39, lines 2 and 4, “EGM” should be placed before “venues” in order to make the terminology in the claims consistent.

Correction is required.

2. It is noted that claims 8 and 21 recite “the Internet”. While the term “Internet” is trademarked for goods and services, it is not presently trademarked for the service of a computer network. However, it is a term that is relative given both the rate at which technology is evolving, and misuse by modern media. The Internet is an infrastructure that supports the transmission of electronic data. It consists of all servers, routers, telephone lines, satellites, and other communications instruments used to convey electronic data, including Web sites, e-mail, usenets, and newsgroups, from one point to another. By using the term Internet, Applicant must be careful to delineate whether intending to claim the infrastructure of the Internet, or use of the infrastructure. Furthermore, what is accepted as the conventional scope of the Internet today, in terms of infrastructure, is quite different from that which was accepted as briefly as five years ago, and it is unknown what will be accepted as the “Internet” of tomorrow. For these reasons, it is strongly urged that Applicant consider using more generic computer network terminology to claim the invention.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 4 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. In claim 4, line 2, the claim language is not clear as to which network is being recited. Does this limitation refer to the network of all gaming venues and EGM's or a network for an EGM network?

6. Claim 15 recites the limitation "the multiple venue jackpot system" in line 3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 1-6, 10-13, 15-19, 23-30, 33, 35, and 38-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Found et al. (U.S. Pub No. 2001/0049303).

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Found et al. discloses a multivenue jackpot system having a central control system which is connected via a type of communications network to multiple gaming venues. Each gaming venue has multiple electronic gaming machines and gaming machine types. Each of the gaming machines include a hard meter and a jackpot interface for linking via a venue network to a jackpot controller. The gaming machines are capable of playing in a multiple gaming machine jackpot game. The jackpot criteria can be any one of a predetermined award criteria, such as, a random time, predetermined level, usage factor, etc in order to award a prize. Found et al. additionally discloses:

Regarding Claims 1, 2, and 17:

A jackpot system for providing jackpots on electronic gaming machines (EGMs) operating in a plurality of EGM venues, the system comprising a master controller (6) located remotely from at least one of the EGM venues (26) and a networked EGM installation (30) located at each EGM venue, each networked EGM installation comprising one or more EGMs (28) connected via a communications network (30) to a network controller, wherein the master controller is not directly connected to the respective communications network of at least one of the EGM networks (central controller (6) is indirectly connected to gaming venue networks (30) via a communications network (4)), each networked EGM installation further comprising jackpot awarding means (jackpot controller (32)) arranged to award jackpot prizes to individual EGMs (28) in the respective EGM installation based on a predetermined trigger condition being established (a random time, predetermined level, usage factor, etc in order to award a prize) and reporting means arranged to periodically initiate a gaming activity report and communicate the gaming activity report to the master controller (Abstract, Figures 1, 3, Paragraphs 1-14, 27-30, 36, 39-40, 43, 45, 57, 59, 104, and 121-122).

Regarding Claims 3, 18, 28, 29, and 35:

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- the EGM installation in each EGM venue includes a local jackpot controller (32) and a front end processor (15), such that the jackpot controller monitors EGM operation, determines the occurrence of jackpot trigger condition, maintains the prize pool information, and awards prizes from the prize pool when trigger condition occurs (Abstract, Figures 1, 3, Paragraphs 1-14, 27-30, 36, 39-40, 43, 45, 57, 59, 104, and 121-122).

Regarding Claim 4:

- the front-end processor (15) monitors the operation of the local jackpot controller (32), and the EGMs (28) in the network and gathers statistics for forwarding to the master controller in the gaming activity report (Abstract, Figures 1, 3, Paragraphs 1-14, 27-30, 36, 39-40, 43, 45, 57, 59, 104, and 121-122).

Regarding Claims 5 and 18:

- the master controller (6) includes communication means for receiving communications from the front-end processors (15) at each EGM venue (26) and returning prize pool information to each EGM venue (Abstract, Figures 1, 3, Paragraphs 1-14, 27-30, 36, 39-40, 43, 45, 57, 59, 104, and 121-122).

Regarding Claims 6, 19, and 30:

- communication between the front-end processor and the master controller is encrypted (Paragraph 59).

Regarding Claims 10-13, 23-26, 33, and 38:

- communication between the front-end processor and the master controller is via data recorded on recordable media (Paragraph 57).

Regarding Claims 15, 27, and 39:

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- the master controller (6) includes an accounting system for gathering accounting information from each of the EGM venues participating in the multiple venue jackpot system, and means for calculating jackpot pool for each venue based on gaming machine activity (hard meter inputs) at the respective EGM venues (Abstract, Figures 1, 3, Paragraphs 1-14, 27-30, 36, 39-40, 43, 45, 57, 59, 104, and 121-122).

Regarding Claim 16:

- gaming machine activity at each venue is reported to the master controller by the respective front-end processor.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 7-9, 20-22, 31-32, and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Found et al. (U.S. Pub No. 2001/0049303).

Found et al. discloses that as discussed above regarding Claims 1-6, 10-13, 15-19, 23-30, 33, 35, and 38-39. Found et al. discloses the front-end processors connected via a LAN to the central controller also indirectly connects the central controller (6) to a WAN (4). However, Found et al. seems to lack explicitly disclosing:

Regarding Claim 7, 20, 31, and 36:

- communication between the front-end processor and the master controller is via e-mail.

Regarding Claim 8 and 21:



- communication between the front-end processor and the master controller is transmitted over the Internet.

Regarding Claim 9, 22, 32, and 37:

- communication between the front-end processor and the master controller is via reports printed on paper.

However, it would have been obvious at the time of Applicant's invention to utilize any of the communication methods mentioned above for communication between a front-end processor and the master controller. Each of these communication methods are notoriously well known in the art. Furthermore, as mentioned in paragraph 57, multiple copies of hard meter input data and jackpot values are required in multiple physical locations in order to maintain integrity in the system. Therefore, it would have been obvious to implement the communication methods above between the front-end processor and the master controller in order to satisfy gaming authority requirements.

11. Claims 14 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Found et al. (U.S. Pub No. 2001/0049303) in view of Costello (AU-A-48323/97).

Found et al. discloses that as discussed above regarding Claims 1-6, 10-13, 15-19, 23-30, 33, 35, and 38-39. Found et al. discloses the front-end processors connected via a LAN to the central controller also indirectly connects the central controller (6) to a WAN (4). However, Found et al. seems to lack explicitly disclosing:

Regarding Claims 14 and 34:

- the front-end processor communicates with a security system including a security video camera, and the security system being responsive to the indication of the identity of each winning EGM to direct the field of view of security video cameras to the area of the respective EGM.

Costello and Found et al. are analogous art because each teaches of a distributed gaming system that can communicate over a network. Furthermore, Costello teaches:

Regarding Claims 14 and 34:

- the front-end processor communicates with a security system including a security video camera, and the security system being responsive to the indication of the identity of each winning EGM to direct the field of view of security video cameras to the area of the respective EGM (Figure 3 and Page 6, lines 20-32).

It would have been obvious at the time of Applicant's invention to utilize the security video camera system of Costello in Found et al. One would be motivated to do so such that the central controller would be able to instantly identify a winner in a high stakes jackpot game.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Frankovic '801, Tracy '055, '909, Weiss '730, Franchi '533, and Harlick '773 disclose systems having progressive jackpot systems.

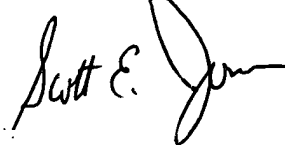
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Thursday, 6:30 A.M. - 5:00 P.M..

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott E. Jones  
Examiner  
Art Unit 3713

A handwritten signature in black ink, appearing to read "Scott E. Jones", written over the printed name.

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